

MINUTES
CITY COUNCIL MEETING
JULY 13, 2004

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:31 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR MITCHELL.

PLEDGE OF ALLEGIANCE

MAYOR MITCHELL led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

City Council Members Present: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

City Staff Present: City Manager Doug Prichard

Assistant City Attorney Stephen Pfahler

Assistant City Manager Sam Wise

Planning Director David Wahba

Community Services Director Andy Clark

Finance Director Jud Norrell

Others Present: David Pierson, Park and Activities Commission

Larry Vanden Bos, Planning Commission

CEREMONIAL ITEMS

NONE

ROUTINE MATTERS

A. DEMANDS AND WARRANTS – MONTHS OF JUNE AND JULY

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE WARRANTS 35749 through 35796 in the amount of \$275,078.23; Supplemental Warrants 060401 through 060402; 34569 Void; 35287 Void; 35541 Void; 35544 through 35554; 35599 through 35622 in the amount of \$192,149.09 for a grand total amount of \$467,227.32 with proper audit.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

CONSENT CALENDAR

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE ITEMS A-C.

A. READING OF ORDINANCES AND RESOLUTIONS

Reading in full of all ordinances and resolutions presented for consideration to the City Council will be waived and all such ordinances and resolutions will be read by title only.

B. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED JUNE 25, 2004

RECEIVED AND FILED.

C. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED JULY 2, 2004

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

A. Tom Judge, 28 Rollingwood Drive, expressed his concern with BMC Landscaping not removing a significant amount of debris along Silver Spur Road. It was noted that, although BMC does a good job maintaining other landscaping throughout the City, this particular area has been a problem over the years.

MAYOR MITCHELL indicated that this item will be considered when the landscaping contract comes before the COUNCIL for consideration. Additionally, City Manager Prichard noted that staff will provide a summary of the status of negotiations with BMC.

NEW BUSINESS

A. PLANNING COMMISSION MINUTES OF JULY 6, 2004

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN
TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF JULY 6, 2004.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. PARK AND ACTIVITIES COMMISSION MINUTES OF JULY 6, 2004

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN
TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF JULY 6, 2004.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

C. TRAFFIC SPEED ZONE SURVEY

Recommendation: That the City Council adopt the Traffic Speed Zone Survey.

Assistant City Manager Wise provided a staff report (as per agenda material).

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS
TO ADOPT THE TRAFFIC SPEED ZONE SURVEY.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

E. LEGISLATIVE UPDATE (*Taken out of order*)

Recommendation: That the City Council receive and file this report.

City Manager Prichard provided a staff report (as per agenda material). He noted that the State budget has not been adopted as yet and announced that the proposed Los Angeles County Sales Tax Initiative is scheduled to be heard before the Board of Supervisors on July 13.

COUNCILMAN ZUCKERMAN inquired as to AB 2702 (Steinberg) and asked if the City could still maintain the 24 hour street parking restriction if this bill should pass. Assistant City Attorney Pfahler noted that State law probably would not preempt this requirement, but it is unclear at this point how it will affect residents.

COUNCILMAN ZUCKERMAN noted that the City would have no control over an existing property if the owner decided to build another structure.

MAYOR MITCHELL noted that the character of single family neighborhoods would be put in jeopardy.

City Manager Prichard noted for those who are interested, that a meeting is scheduled with Senator Karnette.

COUNCILWOMAN SEAMANS noted that Proposition 65 will ensure that local government funds will remain with cities, counties, etc.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZUCKERMAN
TO RECEIVE AND FILE THE LEGISLATIVE UPDATE.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

F. LUMP SUM PAYMENT OF PERS EMPLOYER PENSION COSTS

Recommendation: That the City Council approve the lump sum payment of PERS employer pension estimated costs for fiscal year 2004-05.

Finance Director Norrell provided a staff report (as per agenda material).

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE LUMP SUM PAYMENT OF PERS EMPLOYER PENSION ESTIMATED COSTS FOR FISCAL YEAR 2004-05.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

PUBLIC HEARINGS/MEETINGS

A. PLANNING APPLICATION NO. 15-03; APPLICANT: TED WYNNE; LOCATION: SOUTH SIDE OF DEEP VALLEY DRIVE BETWEEN 827 AND 927 DEEP VALLEY DRIVE (TO THE REAR OF BRISTOL FARMS)

Recommendation: That the City Council: 1) Open the public hearing; 2) Take public testimony; 3) Discuss the issues; 4) Close the public hearing; and 5) Direct staff to prepare a resolution approving the proposed project as well as adopting the associated Mitigation Negative Declaration subject to the conditions of approval identified in the Planning Commission resolution and one additional condition of approval pursuant to comments by the City Traffic Engineer for the next City Council meeting of August 3, 2004.

Senior Planner Cutler provided a staff report (as per agenda material).

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS
TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

Ted Wynne, Applicant, 927 Deep Valley Drive, Suite 209, noted his concurrence with the staff report and will follow the recommendations as stated. He noted they are anxious to set the tone for the commercial district redevelopment.

Randy Morris, Architect, 2104 Via Acalones, Palos Verdes Estates, commented that he is excited as well with what they believe is an outstanding project for the City. He commented that the new development will enhance the commercial district and would be marketed to local residents who are interested in downsizing. Additionally, he was pleased to report that they currently have a waiting list.

COUNCILMAN ZUCKERMAN noted his surprise at the parking space example cited in the study as it applies to a one bedroom unit and the proposed project offers two bedrooms. He noted older seniors would be more willing to accept a single parking space and inquired as to why the market is not directed at 60 years and older.

Mr. Morris indicated that raising the age range was not discussed. He noted that the local community tends to live in larger homes.

COUNCILMAN ZUCKERMAN noted that a significant amount of discussion took place at the Planning Commission regarding parking requirements. He commented on his concern that the office site would be "underparked" with drivers roaming for a space.

Discussion continuing with Mr. Morris stating he will work with staff to determine standards for the three below market units.

MAYOR MITCHELL inquired as to how the low income units will be handled once they are sold again.

Assistant City Attorney Pfahler noted that an agreement with the developers would incorporate these conditions into the CC&Rs.

MAYOR MITCHELL noted that enforcement of these restrictions would become onerous to the City.

COUNCILMAN ZUCKERMAN noted he has questions regarding the Housing Element which would have many unintended consequences.

It was noted that the commercial site is 98% occupied.

Cheryl Vargo, Planning Consultant, commented that she works with residential development and has seen an emerging growth of senior projects. She noted her experience in working with cities that have an ordinance requiring one space per unit as well as guest spaces and indicated that the CC&Rs are very specific. Additionally, she stated that a management company could oversee any problems that may occur.

Assistant City Attorney Pfahler noted that the definition of below housing rate is vague and the City will work with the Applicant on this matter.

City Manager Prichard suggested allowing staff to do some research and bring back specific information relating to below market housing.

COUNCILWOMAN SEAMANS inquired as to how the three unit number was decided upon. Planning Director Wahba stated that this is an arbitrary number agreed upon by the Planning Commission. Additionally, Assistant City Attorney Pfahler noted that this demonstrates the City's intent towards meeting state requirements.

City Manager Prichard noted that this issue will come before the COUNCIL for public comment and suggested setting time aside from a COUNCIL meeting with the staff and Planning Commission to discuss philosophical issues as well as create a methodology for the three units.

Scott Anastasi, Real Estate Broker, 1031 – 4th Street, Manhattan Beach, pointed out characteristics of the typical senior buyer. He noted that it generally takes from six months to two years for the homeowner deciding to downsize.

MAYOR MITCHELL inquired as to what would happen when the buyer moves in and wishes to alter the exterior of the unit (i.e. balcony). Mr. Morris noted that the CC&Rs would not allow this to happen and recommended this condition be included in the resolution.

Ms. Vergo noted that the CC&Rs would protect the property as originally constructed.

COUNCILMAN ZUCKERMAN inquired as to the two "flex" rooms. Mr. Morris stated this is controlled by the homeowner's association and will be used as a common community room or a homeowners' association office. It was noted a condition could be added requiring completion of both rooms.

Marie Alessandro, 5041 Willow Wood, noted she would be interested in purchasing a unit and urged the COUNCIL'S support.

Shannon Quilty, General Manager, Avenue of the Peninsula, believed this project fits within the City's vision. She noted her enthusiasm for its development and applauded the COUNCIL in their desire to move in this direction.

Pamela Lieb, commented that she lives and works in the City and believed this proposal to be an excellent idea as these type of projects are spreading throughout the state.

Gerry Carrese, Real Estate Specialist, 4 Pear Tree Lane, noted that many people would like to

remain on the Peninsula and stated these condominiums would be a plus for the City. She noted that many reciprocal parking agreements are in place which do not cause a problem.

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN
TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

COUNCILWOMAN SEAMANS noted that she and MAYOR MITCHELL serve on the Mixed Use Committee. She commended Mr. Wynne on his consistent willingness to work with the City.

COUNCILMAN ZUCKERMAN noted his concern regarding residential parking as those spaces spill over to the commercial parking. He noted that residents would have a need for additional visitor parking and recommended conducting a survey verifying the commercial parking spaces as well as calculating open space which would become a policy issue. He noted his concern, if the proposed variance was approved, with eroding standards which might infringe on residents who are entitled to appreciate and enjoy living in this area.

While COUNCILMAN ZERUNYAN concurred with the latter comments and noted that he is reminded of a real need for this type of development. He believed this project to be appropriate, but reserved the right to consider every application on a case-by-case basis.

COUNCILMAN ZUCKERMAN reiterated his concern regarding the eight and one-half foot parking space as opposed to the standard nine foot space.

MAYOR PRO TEM ADDLEMAN noted that the Planning Commission and Applicant did an outstanding job.

City Manager Prichard recommended that a parking survey be conducted and reviewed by the COUNCIL prior to the August 3 meeting.

It was the consensus of the COUNCIL to proceed with this approach.

MAYOR MITCHELL agreed with this suggestion and concurred that this project is appropriate for the area. She was also pleased that the Applicant responded to suggestions made by the Planning Commission and COUNCIL.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO DIRECT STAFF TO PREPARE A RESOLUTION APPROVING THE PROPOSED PROJECT; 2) ADOPT THE ASSOCIATED MITIGATION NEGATIVE DECLARATION SUBJECT TO CONDITIONS; AND 3) DIRECT STAFF TO CONDUCT A PARKING SURVEY PRIOR TO THE NEXT COUNCIL MEETING.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. PLANNING APPLICATION NO. 10-01 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); LOCATION: CITY-WIDE; APPLICANT: CITY OF ROLLING HILLS ESTATES

Recommendation: That the City Council: 1) Continue to take public testimony; 2) Discuss the issues; 3) Close the public hearing; 4) Approve the CEQA Committee's recommended changes

to the City of Rolling Hills Estates CEQA Initial Study Checklist; and 5) Adopt the Traffic Impact Analysis Methodology Guidelines.

Planning Director Wahba provided a staff report (as per agenda material).

Discussion ensued regarding COUNCILMAN ZUCKERMAN'S recommendation to include a list of approved traffic engineers in order to maintain some measure of control over a proposed project. It was noted to include environmental consultants as well.

COUNCILMAN ZUCKERMAN then inquired as to the Silver Spur Road/Crenshaw Boulevard peak traffic as it actually extends beyond the rush hour. He recommended that a database be created as it would be very helpful for baseline information.

Planning Director Wahba suggested contacting Traffic Engineer Wes Pringle to review this intersection again.

MAYOR MITCHELL noted she was very pleased with the outcome of the guidelines which will assist the COUNCIL in terms of environmental review.

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN
TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

No public testimony was offered.

COUNCILMAN ZERUNYAN moved, seconded by MAYOR PRO TEM ADDLEMAN
TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO APPROVE THE AMENDED CEQA INITIAL STUDY CHECKLIST, ADOPT THE TRAFFIC IMPACT ANALYSIS METHODOLOGY GUIDELINES, AND APPROVE AN ADDITIONAL TRAFFIC STUDY COUNT FOR BASELINE DATA COLLECTION.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

NEW BUSINESS *(Continued)*

D. REQUEST FOR PROPOSALS (RFP) AND DRAFT FRANCHISE AGREEMENT FOR REFUSE COLLECTION AND RECYCLING SERVICES

Recommendation: That the City Council review and approve the draft Request for Proposals (RFP) and proposed franchise agreement for residential and commercial solid waste collection and recycling services.

Administrative Analyst Grammer provided a staff report (as per agenda material).

Richard Tagore-Irwin, R3 Consulting Group, provided an overview of the process and various program features.

After brief discussion, it was noted to incorporate doubling the performance bond amount for inclusion in the RFP.

In regards to the bulky item pick-up, Mr. Tagore-Irwin stated that residents may call in and have their items removed at their preference rather than on a specific date for an entire neighborhood.

Brief discussion ensued regarding once-a-week versus twice-a-week pick up where Mr. Tagore-Irwin noted that after a couple of months, residents will become acclimated to this arrangement and did not believe this would become a problem.

COUNCILMAN ZERUNYAN noted that the homeowners' association representatives spoke on behalf of their group and believed the public meeting process was well served.

Mr. Tagore-Irwin reiterated that the City has not raised the refuse collection fee in 10 years.

COUNCILWOMAN SEAMANS noted that she was pleased the City will go out to bid for a combined commercial and residential franchise. She noted her concern that gardeners may misplace waste in the wrong bins. Mr. Tagore-Irwin noted that the burden will be placed on the resident to instruct their gardeners on the proper containers.

City Manager Prichard noted that the City was served well by Mr. Tagore-Irwin. He commented on the proposed franchise agreement stating that this is best for the environment as it will reduce the amount of truck traffic, etc.

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE DRAFT REQUEST FOR PROPOSALS (RFP) AND PROPOSED FRANCHISE AGREEMENT FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION AND RECYCLING SERVICES TO INCLUDE AN INCREASE (DOUBLE) IN THE PERFORMANCE BOND INCLUDED IN THE AGREEMENT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

G. CITY HALL SIGNS REPLACEMENT

Recommendation: That the City Council determine the sign design for the replacement of the City Hall signs.

Community Services Director Clark provided a staff report (as per agenda material).

After brief discussion, it was the consensus of the COUNCIL

TO APPROVE THE LARGER PEPPER TREE SIGN AND LOCATING THE SIGN FURTHER TO THE EAST.

OLD BUSINESS

A. TEMPORARY USE PERMIT (TUP) FOR PV CONCOURS D'ELEGANCE; ROLLING HILLS COUNTRY CLUB; 27000 PALOS VERDES DRIVE EAST

Recommendation: That the City Council discuss the proposed TUP special conditions for the approval of the Concours D'Elegance event and advise staff accordingly.

Planning Director Wahba provided a staff report (as per agenda material).

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO APPROVE THE TUP WITH SPECIAL CONDITIONS AS LISTED IN THE STAFF REPORT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

CITY ATTORNEY ITEMS

NONE

CITY COUNCIL/REGIONAL COMMITTEE REPORTS: This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public on any issues or activities of currently active Council Committees, ad hoc committees, regional or state-wide governmental associations, special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendized.

A. COUNCILMAN ZUCKERMAN noted that Vector Control will increase its assessment on property tax. He stated that anyone who sees dead birds should report them to Vector Control and advised citizens to cover up when out at night.

MAYOR AND COUNCIL ITEMS: This item provides the opportunity for Members of the City Council to request information on currently pending projects and/or issues of public concern, direct that an item be agendized for future consideration and/or make announcements of interest to the public.

A. MAYOR MITCHELL

1. ISSUES OF INTEREST

Recommendation: That the City Council agree upon a list of issues of interest and direct staff to communicate this list to the League of Women Voters.

COUNCILMAN SEAMANS noted she responded individually to this request.

After brief discussion, it was the consensus of the COUNCIL to add local land use control to the list.

B. COUNCILMAN ZERUNYAN was pleased to announce that the Palos Verdes AYSO Arsenal Soccer Team won their tournament.

ADJOURNMENT

At 10:45 p.m., MAYOR MITCHELL formally adjourned the City Council meeting to Tuesday, August 3, 2004 at 7:30 p.m.

Submitted by, Approved by,

Hope J. Nolan Douglas R. Prichard

Deputy City Clerk City Clerk